



ANGUILLA

A BILL FOR  
**FINANCIAL SERVICES COMMISSION (AMENDMENT) ACT, 2023**

Published by Authority

**FINANCIAL SERVICES COMMISSION (AMENDMENT) ACT, 2023**

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Amendment of section 1
3. Amendment of section 28
2. Insertion of sections 28A
3. Citation

DRAFT

I Assent

\_\_\_\_\_  
Dileeni Daniel-Selvaratnam  
Governor

\_\_\_\_\_  
Date

ANGUILLA

NO. /2023

A BILL FOR

**FINANCIAL SERVICES COMMISSION (AMENDMENT) ACT, 2023**

[Gazette Dated: \_\_\_\_\_, 2022] [Commencement: Assent under section 57 of the Constitution]

An Act to validate all acts done under and pursuant to the Financial Services Commission Act, R.S.A c. F28 prior to the publication of the Commencement Notices to bring the Acts into operation.

ENACTED by the Legislature of Anguilla

**Interpretation**

1. In this Act the “principal Act” means the Financial Services Commission Act.

**Amendment of section 1**

2. The principal Act is amended in section 1 by inserting the following definitions in the appropriate alphabetical order —

““AML/CFT supervisory authority” means a supervisory authority, other than the Commission, under the Proceeds of Crime Act and includes the NPO supervisor, if not the Commission under that Act;

“foreign AML/CFT supervisory authority” means a public authority in a country outside Anguilla that has functions equivalent to an AML/CFT supervisory authority””.

**Amendment of section 28**

3. The principal Act is amended in section 28 —

(a) in paragraph (a), by deleting subparagraph (v) and substituting the following—

“(v) made to the Financial Intelligence Unit established pursuant to Part 2 of the Financial Intelligence Act 2020;”;

(b) in paragraph (c), by inserting the following subparagraphs after subparagraph (ii)—

“(iii) to an AML/CFT supervisory authority;

(iv) in the case of a disclosure that relates to an externally regulated service provider, to the supervisor of an externally regulated service provider under the Proceeds of Crime Act, if not the Commission; or

(v) to a foreign AML/CFT supervisory authority.

### Insertion of section 28A

3. The principal Act is amended by inserting the following section after section 28 —

#### “Disclosure to a foreign AML/CFT supervisory authority

28A. (1) The Commission may refuse to disclose information to a foreign AML/CFT supervisory authority if it is not satisfied that the foreign AML/CFT supervisory authority is subject to adequate legal restrictions on further disclosure of the information and documents and that it will not, without the written permission of the Commission —

(a) disclose information or documents provided to it to any person other than an officer or employee of the authority engaged in the exercise of any of its functions, or

(b) take any action on information or documents provided to it.”.

### Citation

4. This Act may be cited as the Financial Services Commission (Amendment) Act 2023

Barbara Webster-Bourne  
*Speaker*

Passed by the House of Assembly this      day of      , 2023.

Lenox J. Proctor  
*Clerk of the House of Assembly*

---